

(A) APPLICATION FOR ASSISTANCE IN PROJECT.—THE OWNER OF ANY PROPERTY ABUTTING ON ANY BODY OF WATER IN THE STATE MAY FILE A WRITTEN APPLICATION WITH THE DEPARTMENT REQUESTING STATE ASSISTANCE IN THE DESIGN, CONSTRUCTION, AND FINANCING OF A SHORE EROSION CONTROL PROJECT FOR THE PROPERTY. THE APPLICATION SHALL BE IN A FORM AND CONTAIN INFORMATION THE DEPARTMENT PRESCRIBES. EACH APPLICATION FORM SHALL CONTAIN A NOTICE WARNING THAT THE APPLICANT IS RESPONSIBLE FOR MAINTENANCE OF ANY PROJECT AFTER IT IS CONSTRUCTED.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 757(a) of the Code. The only changes made are in style.

(B) LOCATION OF PROJECT.—A PROJECT MAY NOT BE APPROVED UNLESS IT LIES WITHIN A PHYSIOGRAPHIC UNIT ESTABLISHED BY THE DEPARTMENT; IS WITHIN A SHORE EROSION CONTROL DISTRICT ESTABLISHED UNDER ARTICLE 25, §§ 161 - 167E, INCLUSIVE, OF THE CODE, OR IS OF A NATURE THAT ITS INCLUSION WITHIN A PHYSIOGRAPHIC UNIT OR SHORE EROSION CONTROL DISTRICT IS NEITHER NECESSARY NOR FEASIBLE IN THE DEPARTMENT'S JUDGMENT.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 757(b) of the Code. The only changes made are in style.

(C) PARTICIPATION OF EVERY PROPERTY OWNER REQUIRED FOR APPROVAL OF PHYSIOGRAPHIC UNIT PROJECT.—A PHYSIOGRAPHIC UNIT PROJECT MAY NOT BE APPROVED UNLESS EVERY PROPERTY OWNER WITHIN THE PHYSIOGRAPHIC UNIT PARTICIPATES IN PLANNING, CONSTRUCTION, AND FINANCING OF THE PROJECT. HOWEVER, THE DEPARTMENT MAY EXCLUDE ANY PROPERTY OWNER WITHIN THE PHYSIOGRAPHIC UNIT IF THIS EXCLUSION DOES NOT AFFECT MATERIALLY THE REMAINDER OF THE PROJECT.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 757(c) of the Code. The only changes made are in style.

(D) SCHEDULE OF PRIORITIES FOR PROJECTS.—THE DEPARTMENT SHALL ESTABLISH A SCHEDULE OF PRIORITIES FOR SHORE EROSION CONTROL PROJECTS, AND UPON APPROVAL OF AN APPLICATION, ASSIGN THE PROJECT TO A PRIORITY LIST NUMBER. THE SCHEDULE SHALL TAKE INTO CONSIDERATION THE RATE OF EROSION, AMOUNT OF SILT BEING DEPOSITED IN THE WATERS INVOLVED, DATE OF DEPARTMENT'S APPROVAL, NATURE AND AMOUNT OF PUBLIC BENEFITS PROVIDED BY THE PROJECT, AND ANY OTHER